

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,  
Plaintiff,  
v.  
KATHERINE LESTER, et al.,  
Defendants.

No. 2:22-cv-00914 TLN AC PS

ORDER

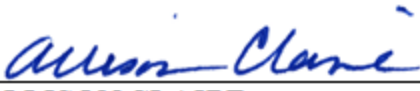
An initial scheduling conference was set in this case for December 7, 2022. ECF Nos. 12, 22. No scheduling statement was filed, and the court issued an order re-setting the conference for December 28, 2022, and requiring the parties to submit scheduling reports by December 14, 2022. ECF No. 23. None of the parties filed a scheduling report.

On December 1, 2022, the pro se plaintiff filed an appeal of the undersigned's findings and recommendations that his motion for injunctive relief be denied. ECF Nos. 24, 30. This appeal does not operate to stop the progression of this case. An appeal from an interlocutory order does not automatically stay the proceedings, as "it is firmly established that an appeal from an interlocutory order does not divest the trial court of jurisdiction to continue with other phases of the case." Plotkin v. Pacific Tel. and Tel. Co., 688 F.2d 1291, 1293 (9th Cir. 1982); See 28 U.S.C. § 1292(b).

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1 Good cause appearing, IT IS HEREBY ORDERED that the scheduling conference set for  
2 December 28, 2022 is VACATED and RE-SET to January 11, 2023. The parties' statements are  
3 due by December 28, 2022. The required contents of the statements are described in the order  
4 located at ECF No. 23. The statements may be joint or separate. Plaintiff is CAUTIONED that  
5 failure to comply with this order and timely file a scheduling statement will result in a  
6 recommendation that this case be dismissed for failure to prosecute pursuant to Local Civil Rule  
7 110.

8 DATED: December 19, 2022

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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